

DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

FILE: B-187190

DATE: August 26, 1976 *u1401 099785*

MATTER OF: Rohr Industrial Systems, Inc.

DIGEST:

Protest filed with General Accounting Office more than 10 days after protester's receipt of notice of initial adverse agency action on protest filed with agency is untimely and will not be considered.

By letter dated June 30, 1976, Rohr Industrial Systems, Inc. (Rohr) protested to the Picatinny Arsenal, Department of the Army, against the award of a contract to another offeror under solicitation No. DAAA21-76-Q-0094. Rohr sent an information copy of the protest to this Office, in response to which we specifically advised Rohr of the procedure to follow in filing a timely protest to this Office. By letter dated July 16, 1976, which was received by Rohr on July 20, 1976, the contracting agency denied the protest. Rohr protested to this Office on August 10, 1976.

The protest is untimely. Section 20.2 of our Bid Protest Procedures, 4 C.F.R. § 20.2 (1976), states in pertinent part that:

"(a) If a protest has been filed initially with the contracting agency, any subsequent protest to the General Accounting Office filed within 10 days of formal notification of * * * initial adverse agency action will be considered. * * *

"(b) * * * any protest received in the General Accounting Office after the time limits prescribed in this section shall not be considered * * *."

To be timely, Rohr's protest would have had to be filed with our Office within 10 working days of its receipt of the contracting agency's letter. Since the protest was not filed in this Office within that time, the protest must be dismissed as untimely. Power Equipment Company, B-186108, April 1, 1976, 76-1 CPD 217.

Paul G. Dembling
Paul G. Dembling
General Counsel